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*Opinion*

1958

January 10

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CONCORD, N.H.

Miss Edna Annis Elwell, Secretary  
Teachers' Retirement System  
State House Annex  
Concord, New Hampshire

Dear Miss Elwell:

This is in response to your request of January 10, 1958, that we review the following regulation passed by the Teachers' Retirement Board on January 9, 1958:

"In order for any member to be eligible for refund of excess accumulated contributions in accordance with RSA 192 Section 21, any application of a member for return of excess accumulated contributions, or clear written intent to withdraw such excess accumulated contributions, must be filed in the Teachers' Retirement office by midnight on December 31, 1957 or be postmarked not later than midnight January 2, 1958."

In essence, our review consists of a determination of whether this regulation can be considered as a proper interpretation of RSA 192:21 as inserted by Laws 1957, 48:15. This section provides that "Any member may within six months after the date of modification elect to withdraw the excess of his accumulated contributions . . ." "Date of modification" is defined as being July 1, 1957. RSA 192:1, Para. XXIV as inserted by Laws 1957, 48:9. We are of the opinion that the regulation which was passed to make allowance for the fact that many post offices were closed January 1, 1958 can be considered as a proper interpretation of RSA 192:21.

Very truly yours,

Elmer T. Bourque  
Assistant Attorney General

ETB/lt